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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|--------------------------|---------------------------------------|------------------------------------|
| 10/524,303 | 02/04/2005 | Alexandr Efimovich Gurov | | 6429 |
| <div>Ilya Zborovsky 6 Schoolhouse Way Dix Hills, NY 11746</div> | | | | |
| | | | <div>EXAMINER HOOK, JAMES F</div> | |
| | | | <div>ART UNIT 3754</div> | <div>PAPER NUMBER</div> |
| | | | <div>MAIL DATE 10/07/2008</div> | <div>DELIVERY MODE PAPER</div> |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | | |
|------------------------------|--------------------------------------|--|--|--|
| Office Action Summary | Application No. 10/524,303 | | Applicant(s) GUROV, ALEXANDR EFIMOVICH | |
| | Examiner James F. Hook | | Art Unit 3754 | |
| | | | | |

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 12 June 2008.

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 19-36 is/are pending in the application.

4a) Of the above claim(s) 20-36 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 19 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

 a) ☒ All b) ☐ Some * c) ☐ None of:

 1. ☐ Certified copies of the priority documents have been received.

 2. ☐ Certified copies of the priority documents have been received in Application No. _____.

 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>2/4/05</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ 5) <input type="checkbox"/> Notice of Informal Patent Application 6) <input type="checkbox"/> Other: _____. |
|--|---|

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I and Figure 2 in the reply filed on June 12, 2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 20-36 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention and species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 12, 2008.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

It appears that the specification was a literal translation and may include terms which are not what applicant intended. The specification should be checked to insure that the language is clear and pertains to what applicant intended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Loncaric.

The reference to Loncaric discloses the recited pipe comprising a spiral 44 for checking and/or repair of a wall 10 of a pipe, the spiral has inherently a helical lead, where such is selected so that it provides protection against cracks and limits their length which is considered a critical length in that the spiral is there to prevent cracks from growing too large, where the pipe can have welds.

Claim 19 is rejected under 35 U.S.C. 102(b) as being anticipated by Fawley. The reference to Fawley discloses the recited pipe comprising a spiral 36 for checking and/or repair of a wall 12 of a pipe, the spiral has inherently a helical lead, where such is selected so that it provides protection against cracks and limits their length which is considered a critical length in that the spiral is there to prevent cracks from growing too large, where the pipe can have welds.

Claim 19 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Smith. The reference to Smith discloses the recited pipe comprising a spiral "k" for checking and/or repair of a wall "A" of a pipe, the spiral has inherently a helical lead, where such is selected so that it provides protection against cracks and limits their length which is considered a critical

Art Unit: 3754

length in that the spiral is there to prevent cracks from growing too large, where the pipe can have joints. It is considered that joints of metal pipes such as set forth in Smith would inherently be welds, however, if such is not considered the case it is considered old and well known in the art to form joints in pipe sections with welds, where such is an obvious choice of mechanical expedients requiring only routine skill in the art to select a known method of joining pipe sections together.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references to Brennan, III., Marzocchi, Fischer, Baer, Eisenmann, McNulty, Evgenievich, Wiedenhoff, Gross, and Settineri disclosing state of the art pipes and methods of repair or protection against cracks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3754

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James F. Hook/
Primary Examiner, Art Unit 3754

JFH